



**Dan Skopec**  
*Acting Secretary*

# State Water Resources Control Board

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
Mailing Address: P.O. Box 2000 ♦ Sacramento, California 95812-2000  
FAX: 916.341.5400 ♦ [www.waterrights.ca.gov](http://www.waterrights.ca.gov)



**Arnold Schwarzenegger**  
*Governor*

## NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

**APPLICATION:** 30454

**DATE FILED:** JUNE 13, 1995

**COUNTY:** SACRAMENTO

**STREAM SYSTEM:** SACRAMENTO

Notice is hereby given that County of Sacramento and Sacramento County Water Agency have filed an application for a water right permit. The State Water Resources Control Board (State Water Board) will determine whether a water right permit should be issued for the application and, if so, whether conditions are needed in the permit to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of protests against the application. This notice may be viewed at the Division of Water Rights' (Division) website at [www.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence directed to the applicant should be mailed to both:

Sacramento County Water Agency  
Water Resources Division  
827 7<sup>th</sup> Street, Room 301  
Sacramento, CA 95814

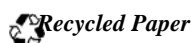
Stuart L. Somach  
Somach, Simmons & Dunn  
813 Sixth St., 3<sup>rd</sup> Floor  
Sacramento, CA 95814

### Description of Project

Sacramento County Water Agency (SCWA) anticipates significant development in Central Sacramento County. As a consequence, it has embarked on a major water acquisition and facility improvement plan. SCWA is pursuing several surface water supplies to meet the anticipated municipal water demand of development as approved under the County of Sacramento General Plan. The area within which this water will be served is defined by the boundary of the SCWA Zones 40 and 41, coterminous financing and service areas established by SCWA.

Population and demand in the service area is expected to triple in the next 40 years. At that time, full build-out water demand is estimated to be 113,900 acre-feet annually (afa). SCWA is planning to meet this need, on average, with 40,900 afa of groundwater, 68,600 afa of surface water and 4,400 afa of recycled water. Surface water supplies planned to meet this demand include a federal Central Valley Project (CVP) contract for 15,000 afa executed in 1999; an assignment of an additional 30,000 afa of CVP contract water from the Sacramento Municipal Utility District, to be finalized in early 2006; a water right sought under Application 30454; an anticipated water right transfer to be acquired at some future date; and purchase of City of Sacramento "American River Place-of-Use" water. These supplies will be used in conjunction with groundwater from the central Sacramento groundwater basin consistent with the 2000 Water Forum Agreement.

*California Environmental Protection Agency*



The water acquired under this water right application is proposed to be diverted from the Sacramento River at two locations: 1) the new City of Sacramento's Sacramento River Water Treatment Plant intake near Jibboom Street, and 2) the proposed Freeport Regional Water Project intake at Freeport Bend adjacent to the South Pocket area in the City of Sacramento. Water from the City intake will be treated in the City treatment plant and wheeled through City pipelines to the Franklin Intertie to the proposed place of use at Franklin Boulevard near Lake Pleasant Drive. Water from the Freeport intake will be conveyed through a proposed raw water pipeline generally following Cosumnes River Boulevard, Power Inn Road and Gerber Road to the proposed northerly extension of Vineyard Road. From there it will be transported north to the proposed SCWA surface water treatment plant at Florin Road and Vineyard Road. The treated water will be distributed from there for consumption throughout the proposed place of use.

The proposed appropriated water will be used during wet years for direct consumption when it is plentiful. During these years the use of other sources of surface water and groundwater will be reduced, minimized, or completely curtailed. This will allow the groundwater basin to recover and refill naturally. During dry years, SCWA will rely on its other surface water sources and groundwater, minimizing or completely curtailing the use of the proposed appropriated water.

Total average annual surface water demand is expected to reach 68,600 afa by 2045. Pursuant to Application 30454, the proposed maximum diversion will be 71,000 afa. In the driest years no appropriated water will be diverted. For the long term, based on CALSIM II computer modeling over a 74-year historical period, annual diversions are expected to average 21,700 afa.

### **Summary of Application**

County: Sacramento.

Source: Sacramento River.

Point(s) of

Diversion: Sacramento River Water Treatment Plant Replacement Intake Project located within the SE¼ of NE¼ of Section 35, T9N, R4E, MDB&M  
Freeport Regional Water Project located within the NW¼ of SE¼ of Section 11, T7N, R4E, MDB&M.

Amount: 286 cubic feet per second of direct diversion, not to exceed a total of 71,000 acre-feet (af) per year.

Season: January 1 to December 31 for direct diversion.

Purpose: Municipal.

Place of Use:

Use Within	Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
Sacramento		6N	5E, 6E	MD		
County Zones		7N	5E, 6E, 7E	MD		
40 and 41		8N	6E, 7E	MD		
		9N	7E	MD		

### Environmental Information

The State Water Board has been informed that SCWA is the lead agency, pursuant to the California Environmental Quality Act (CEQA), and has prepared an Environmental Impact Report/Environmental Impact Statement for the Freeport Regional Water Project (State Clearinghouse # 2002032132), July 2003, in conjunction with East Bay Municipal Utility District (EBMUD), the Freeport Regional Water Authority (FRWA), and the U.S. Bureau of Reclamation (Reclamation). SCWA and EBMUD formed the FRWA under a joint powers agreement to implement the Freeport Regional Water Project.

In addition, the Freeport Regional Water Project (project) has received a biological opinion from the National Marine Fisheries Services regarding endangered Sacramento River winter-run Chinook salmon, threatened Central Valley spring-run Chinook salmon and threatened Central Valley steelhead, and the designated critical habitat of Sacramento River winter-run Chinook salmon, in accordance with section 7 of the Endangered Species Act. The project has also received a Draft Formal and Early section 7 Endangered Species Consultation from the U.S. Fish and Wildlife Service regarding federally endangered vernal pool tadpole shrimp and Sacramento Orcutt grass, and the federally threatened slender Orcutt grass, California tiger salamander, valley elderberry longhorn beetle, giant garter snake, vernal pool fairy shrimp, California red-legged frog and delta smelt and its critical habitat.

If you are not filing a protest, but wish to submit information not covered in the lead agency's environmental document that indicates that the project may cause a significant effect on the environment, please send this information immediately to Steven Herrera; State Water Board, Division of Water Rights; P.O. Box 2000; Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

### PROTEST SUBMITTAL INFORMATION

## **Protest Requirements**

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the State Water Board.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the application is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the State Water Board is subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed appropriation would not be within the State Water Board's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the appropriation will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant a duplicate copy of the protest.

If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

## **Procedure for Submitting Protests**

Protests should be submitted on standard protest forms available from the Division's website at [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/) or upon request, in writing or by telephone, from the Division. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the individual listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant.**

### **Protest Submittal Deadline**

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on the **60<sup>th</sup>** day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 2<sup>nd</sup> Floor (File Room), Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division in order for the protest to be accepted. The State Water Board will respond to all protests within 60 days of the final day to file a protest.

**Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the State Water Board may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

### **Resolution of Protests**

The applicant will have 30 days to respond to a protest once it is accepted by the Division. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a "major" project (the proposed diversion is greater than 3 cubic feet per second by direct diversion or greater than 200 af per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or by provisions of section 1335 of the Water Code will be decided by the State Water Board following an evidentiary hearing.

### **CONTACT PERSON**

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Katherine Mrowka by phone at (916) 341-5363 or by electronic mail at [kmrowka@waterboards.ca.gov](mailto:kmrowka@waterboards.ca.gov) . Information and protest forms are also available at the Division's website: [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/).

Date of Notice: **May 12, 2006**

Protest Period Extended Due to Late Publication of Notice – New Close of Protest Period: **July 23, 2006.**

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